

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OLAES ENTERPRISES, INC d/b/a ODM,

No. 09 CV 08680 (CM)(PED)

Plaintiff,

- against -

A.D. SUTTON & SONS, INC., et al.,

Defendants/Counterclaim
Plaintiffs,
-----X

ORDER OF DISMISSAL WITHOUT PREJUDICE

The Court, having considered the Unopposed Motion to Dismiss Counterclaims filed by Defendant/Counter Claimant Bio World Merchandising, Inc. ("Bio World") in this cause, finds that the Motion is well taken and should be granted.

IT IS THEREFORE ORDERED that all claims and causes of action asserted or assertable by Bio World against Plaintiff/Counter-Defendant Orange County Choppers, Inc. and Counter-Defendants Orange County Choppers Merchandising, LLC and Orange County Choppers Licensing, LLC in this case be, and hereby are, DISMISSED WITHOUT PREJUDICE to their re-filing pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.


DATED: 1/5/10



Hon. Colleen McMahon
UNITED STATES DISTRICT JUDGE

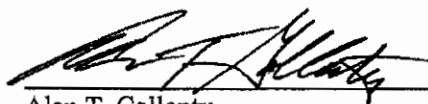
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DOC #: _____
DATE FILED: <u>1/6/10</u>

AGREED AS TO FORM AND SUBSTANCE:


Justin A. Heller

Counsel for Plaintiff/Counter-Defendant Orange County Choppers, Inc.
and Counter-Defendants Orange County Choppers Merchandising, LLC,
and Orange County Choppers Licensing, LLC

Date: 12/30/09



Alan T. Gallanty
Counsel for Defendant/Counter Claimant Bio World Merchandising, Inc.
d/b/a Bio Domes Headgear

Date: 1/4/10